## UNITED STATES COURT OF APPEALS FOR THE EIGHTH CIRCUIT

No. 03-3802

The Recording Industry Association \* of America, \*

\*

Appellee, \* Order Denying Petition for

\* Rehearing and for Rehearing

v. \* En Banc

\*

Charter Communications, Inc.,

\*

Appellant.

The petition for rehearing en banc is denied. Judge Murphy and Judge Riley would grant the petition.

The petition for rehearing by the panel is also denied.

Chief Judge Loken, Judge Melloy, Judge Gruender and Judge Benton did not participate in this case.

(5128 - 010199)

April 6, 2005

Order Entered at the Direction of the Court:

Clerk, U.S. Court of Appeals, Eighth Circuit